

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH VICTOR LAGANA,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. [19-cv-00455-YGR](#) (PR)

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR SERVICE OF  
COMPLAINT; AND GRANTING HIM  
SECOND EXTENSION OF TIME TO  
FILE SIX-MONTH PRISONER TRUST  
ACCOUNT STATEMENT**

On January 25, 2019, Plaintiff, who is currently in custody at the San Luis Obispo County Jail, filed this *pro se* civil rights action under 42 U.S.C. § 1983. Plaintiff also filed a completed *in forma pauperis* ("IFP") application and his Certificate of Funds. Dkt. 2. However, he did not file a copy of his six-month prisoner trust account statement.

On the same date, the Clerk of the Court sent a notification to Plaintiff informing him that his action could not go forward until he either paid the fee or submitted a copy of his prisoner trust account statement within twenty-eight days. The Clerk further informed him that his failure to do so would result in the dismissal of this action. More than twenty-eight days then passed, and Plaintiff failed to file a copy of his prisoner trust account statement.

On April 2, 2019, the Court granted Plaintiff an extension of time to file a copy of his six-month prisoner trust account statement. Dkt. 8. Again, more than twenty-eight days have since passed, and Plaintiff has still failed to file the necessary document. Instead, Plaintiff has filed a request for the complaint to be served on Defendants by the United States Marshal. Dkt. 9. Plaintiff attached to his request another copy of his Certificate of Funds, but he did not attach a copy of his six-month prisoner trust account statement. *Id.* at 2. At this time, the Court DENIES Plaintiff's request for service of the complaint without prejudice to renewing his request after he files a copy of his prisoner trust account statement. Thus, the Court construes his filing as a request for a second extension of time to file a copy of his prisoner trust account statement. Having considered Plaintiff's request, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's request for a second extension of time is

1 GRANTED. The time in which Plaintiff may file his six-month prisoner trust account statement  
2 will be extended up to and including **twenty-eight (28) days** from the date of this Order.

3 Failure to file a copy of his six-month prisoner trust account statement as ordered herein by  
4 the twenty-eight-day deadline shall result in the dismissal of this action without prejudice.

5 This Order terminates Docket No. 9.

6 IT IS SO ORDERED.

7 Dated: May 1, 2019



YVONNE GONZALEZ ROGERS  
United States District Judge